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May 11, 2023

Via Electronic Filing

The Honorable Marcia M. Henry, U.S.M.J.
U.S. District Court, Eastern District of New York
225 Cadman Plaza East
Brooklyn, NY 11201

Re: *Anderson v. Brooklyn Wild Catch LLC et al*
Case No.: 22-cv-00527

Dear Honorable Magistrate Judge Henry:

This law firm represents Plaintiff Caleb Anderson (the “Plaintiff”) in the above-referenced action.

By way of relevant background, the parties most recently appeared before Your Honor for an in-person status conference, and settlement conference, on March 16, 2023. [See February 1, 2023 Minute Entry and Order; March 16, 2023 Minute Entry and Order].

Leading up to the March 16, 2023 Conference, the Court expressed concern regarding the previously filed application filed by counsel for Defendants Brooklyn Wild Catch LLC, Brooklyn Wild Catch II, LLC, Robert Dorsey and Angeline Cornelius (collectively, the “Defendants”), to withdraw as counsel [*see* Dckt. No. 32; *see also* January 24, 2023 Minute Entry and Order; February 1, 2023 Minute Entry and Order].

Following the March 16, 2023 Conference, on or around March 30, 2023, counsel for Defendants propounded an offer of judgment pursuant to Rule 68 of the Federal Rule of Civil Procedure (“Fed.R.Civ.P.”), in the amount of \$8,000. A notice of acceptance of the offer of judgment was subsequently filed on April 12, 2023. [See Dckt. Nos. 37-38]. On April 17, 2023, the Court entered a judgment in the amount of \$8,000.00 (the “Judgment”) as against Defendants. [See Dckt. No. 39].

Defendants have not paid under the Judgment. In a good-faith attempt to avoid unnecessary Court intervention, on April 17, 2023, May 4, 2023, and on multiple other instances, the undersigned emailed Defendants’ counsel to inquire about the status of the payment, under the Judgment. Defendants’ counsel did not provide a substantive response to Plaintiff’s counsel’s April 17, 2023 or May 4, 2023 emails, inquiring as to why Defendants have not paid the Judgment.

Plaintiff respectfully requests that Your Honor schedule an in-person conference that requires the participation of each of the Defendants to explain why Defendants have not paid under the terms of the Judgment.

Following the March 16, 2023 Conference, the Court scheduled a continued settlement conference on May 25, 2023 at 3:00 p.m. [*see* March 16, 2023 Minute Entry]. The case was disposed before the May 25, 2023 scheduled conference based on Defendants’ representations of

assurance of payment (including Defendants' counsel), which appears to have been a false presentment. This is very troubling and may necessitate vacatur of the Judgment.

We thank the Court for its attention to this matter, and are available at the Court's convenience to answer any questions related to the foregoing.

Respectfully submitted,

LEVIN-EPSTEIN & ASSOCIATES, P.C.

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